

JFW

Page 1 of 6  
Docket No.: C&M1.PAU.18  
Serial No.: 10/780,061

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Calvin Lam

Serial No.: 10/780,061

Filed: February 17, 2004

For: DECORATIVE DEVICE COMPRISED  
OF MODULAR INTERCHANGEABLE  
COMPONENTS

**REQUEST FOR RECONSIDERATION OF OCTOBER 20, 2005 DECISION ON PETITION TO  
MAKE SPECIAL AND  
AMENDED PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)**

Technology Center 3600  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Request for Reconsideration and Amended Petition to Make Special is being filed in response to, and within two (2) months of, the October 20, 2005 Decision On Petition to Make Special (the "Decision"). The Decision states that the original petition failed to include an election without traverse, or a statement that applicant is willing to elect without traverse should a restriction or election be required. The Decision did not indicate that an election or restriction was required. Accordingly, Applicant submits herein an amended Petition expressly stating that Applicant is willing to elect without traverse should a restriction or election be required.

RECEIVED  
OIP/E/IAP

NOV 07 2005

Pursuant to 37 CFR § 1.102(d) and MPEP § 708.02, Applicant respectfully requests that the above-identified application be afforded advancement of examination.

Please charge any deficit or credit any surplus to our Deposit Account No. 01-1960. An additional copy of this page is enclosed for that purpose.

### **PRESENTED CLAIMS**

Claims 1-29 are directed to a decorative device comprised of modular interchangeable components. Applicant's preferred decorative device is covered by the patent claims and has been introduced in the market. Applicant's counsel has made a rigid comparison of the prior art with the claims of the application as set forth in the originally filed application and has concluded that Applicant's invention is patentable over the prior art.

### **WILLING TO ELECT WITHOUT TRAVERSE**

Applicant is willing to elect without traverse should a restriction or election be required.

### **PRE-EXAMINATION SEARCH**

Applicant has caused to be made a careful and thorough pre-examination search of the prior art, which included Class/sub class 160/19, 38, 39, 368.1, 378, 381, 52/311.1, 716.1. The references revealed by the search were disclosed in the Information Disclosure Statement previously submitted to the U.S. Patent Office on

March 11, 2005. A copy of said document is attached hereto. Copies of U.S. Publication No. 2004/0255542, and U.S. Patent Nos. 5597025, 6152204, 5967213 and 5927362 were attached to the previously submitted Information Disclosure Statement.

### **DETAILED DISCUSSION OF REFERENCES**

A detailed discussion of the references, including how the claimed subject matter is patentable over the references, follows.

Applicant claims a cornice for crowning a variety of architectural structures comprising a horizontal base unit having a face section, a top section and a bottom section. At least one of the face section, top section and bottom section further includes a fastening means. One or more decorative modules are fastened to at least one of the top section or the bottom section. Applicant further claims that each of the horizontal base unit and decorative modules are modular and interchangeable types of components with respect to previous and subsequent components fabricated in manufacturing. Each type of component is forged from a large block of rigid material. In a preferred embodiment, the rigid material is comprised of wood. Forging the components from one large block of material minimizes the waste of excess unforged material and further minimizes waste in the event one component is forged incorrectly. Applicant also claims a centerpiece module that is configured to fit over the face section of the horizontal base unit and is retained on the cornice via insert channels located within the decorative modules.

**Repp et al. (2004/0255542)**

Repp et al. disclose a modular cornice system comprising a center arched section and two end-arched sections or trim members. The cornice utilizes openings to conform a cover material over the middle segment of the cornice. The openings are used to retain (by tucking, folding stuffing, etc.) material to the cornice. Repp et al. fails to disclose decorative modules fastened to at least one of the top section or bottom section. Repp et al. further fails to disclose modules that are interchangeable or cornice components that are forged from one large block of rigid material. Repp et al. utilizes openings to retain a cover material to the cornice by tucking the material into the openings, whereas Applicant utilizes insert channels located within the decorative modules to couple the centerpiece module to the cornice. The decorative modules include a channel that is adapted to receive the base unit via an insert.

**Forkner (5,597,025)**

Forkner discloses a window cornice comprised and assembled with several identical, repeating panels with symmetrical attachment ends. Forkner uses hook and loop fastening means to attach decorative sections to a support or rod. The decorative sections are coupled to each other via clips that insert into passages located on the decorative sections. Forkner fails to disclose modular decorative modules fastened to at least one of the top section or bottom section. Forkner further fails to disclose modules that are interchangeable or cornice components that are forged from one large block of rigid material. Forkner utilizes hook and loop fastening components to attach

decorative objects to the cornice, whereas Applicant utilizes insert channels located within the decorative modules to couple the centerpiece module to the cornice.

**Santoro (6,152,204)**

Santoro discloses a cornice board having a base panel made of a relatively stiff foam material comprising a face side and a back side that includes a pair of brackets that attach to the wall above a window. The cornice is adapted to have soft decorative objects attached to the face side by use of a Z-shaped pin. Santoro fails to disclose modular decorative modules fastened to at least one of the top section or bottom section. Santoro further fails to disclose modules that are interchangeable or cornice components that are forged from one large block of rigid material. Santoro utilizes a Z-shaped pin to attach decorative objects to the cornice, whereas Applicant utilizes insert channels located within the decorative modules to couple the centerpiece module to the cornice.

**Smiley et al. (5,967,213)**

Smiley et al. '213 disclose a window cornice assembly comprising a front section and two side sections. Smiley et al. '213 discloses arranged and positioned fabric on the front section via clips that retain the fabric taut and over the front face. The clips are either attached by elastic cord or band. Smiley et al. '213 fails to disclose modular decorative modules fastened to at least one of the top section or bottom section. Smiley et al. further fails to disclose modules that are interchangeable or cornice components that are forged from one large block of rigid material. Smiley et al. '213

utilizes clips to attach a decorative fabric, whereas Applicant utilizes insert channels located within the decorative modules to couple the centerpiece module to the cornice.

**Smiley et al. (5,927,362)**

Smiley et al. '362 disclose a foam window cornice assembly that utilizes clips to hold fabric onto the cornice. Smiley et al. fails to disclose modular decorative modules fastened to at least one of the top section or bottom section. Smiley et al. further fails to disclose modules that are interchangeable or the cornice components being forged from one large block of rigid material. Smiley et al. '362 utilizes clips to attach a decorative fabric, whereas Applicant utilizes insert channels located within the decorative modules to couple the centerpiece module to the cornice.

Accordingly, Applicant respectfully requests that this application be granted special status. Applicant invites the examiner to telephone the undersigned attorney if a telephone conference would facilitate advancement of the examination of this application.

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Technology Center 3600, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date of Deposit: October 27, 2005

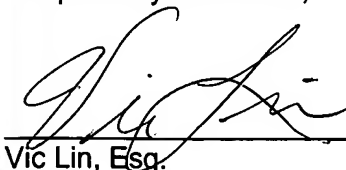
By Sarah A. Nielsen



Signature

October 27, 2005

Respectfully submitted,



Vic Lin, Esq.

Registration No. 43, 754  
Myers, Dawes Andras & Sherman LLP  
19900 MacArthur Boulevard, 11<sup>th</sup> Floor  
Irvine, CA 92612  
(949) 223-9600  
USPTO Customer No.: 23386



COPY

Page 2 of 6  
Docket No.: C&M1.PAU.18  
Serial No.: 10/780,061

PATENT

Pursuant to 37 CFR § 1.102(d) and MPEP § 708.02, Applicant respectfully requests that the above-identified application be afforded advancement of examination.

Please charge any deficit or credit any surplus to our Deposit Account No. 01-1960. An additional copy of this page is enclosed for that purpose.

### **PRESENTED CLAIMS**

Claims 1-29 are directed to a decorative device comprised of modular interchangeable components. Applicant's preferred decorative device is covered by the patent claims and has been introduced in the market. Applicant's counsel has made a rigid comparison of the prior art with the claims of the application as set forth in the originally filed application and has concluded that Applicant's invention is patentable over the prior art.

### **WILLING TO ELECT WITHOUT TRAVERSE**

Applicant is willing to elect without traverse should a restriction or election be required.

### **PRE-EXAMINATION SEARCH**

Applicant has caused to be made a careful and thorough pre-examination search of the prior art, which included Class/sub class 160/19, 38, 39, 368.1, 378, 381, 52/311.1, 716.1. The references revealed by the search were disclosed in the Information Disclosure Statement previously submitted to the U.S. Patent Office on



Attorney Docket No.: C&M1.PAU.18

COPY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Calvin Lam

Serial No.: 10/780,061

Filed: February 17, 2004

Title: DECORATIVE DEVICE COMPRISED  
OF MODULAR INTERCHANGEABLE  
COMPONENTS

Group Art Unit: 3635

Examiner: Unknown

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This Information Disclosure Statement is submitted in connection with the Petition to Make Special Under 37 CFR § 1.102(d) filed herewith.

Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

The relevance of the attached references is that this is the closest art of which Applicant is aware.

Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.



COPY

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

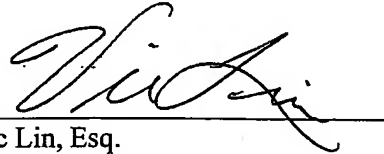
Date of Deposit: March 11, 2005

by Jane Finch

Signature 

March 11, 2005

Respectfully submitted,



Vic Lin, Esq.

Registration No. 43, 754

Myers, Dawes Andras & Sherman LLP

19900 MacArthur Boulevard, 11<sup>th</sup> Floor

Irvine, CA 92612

(949) 223-9600

